

FINAL TEXT OF PROPOSED REGULATIONS

In the following, underline indicates added text and strikethrough indicates deleted text.

Section 3050 is amended to read:

3050. Regular Meals.

Subsections 3050(a) and (a)(1) are unchanged.

Subsection 3050(a)(2) is amended to read:

(a)(2) Inmates shall be provided three meals each day, two of which shall be served hot. Variations to the two hot meals per day requirement may be allowed to accommodate religious observances, religious meal programs, and institution emergencies. The breakfast meal shall be served not more than 14 hours following the previous day's evening meal.

Subsection 3050(b) is unchanged.

NOTE: Authority cited: Section 5058, Penal Code. Reference: Sections 2084 and 5054, Penal Code.

Section 3051 is amended to read:

3051. Use of Pork or Pork Derivatives.

Existing subsection 3051(a) is renumbered to 3051(b).

New subsection 3051(a) is adopted to read:

(a) Pork or Pork derivatives may be part of meals within camp settings outside Institutions.

Existing subsection 3051(a) is renumbered to 3051(b) and amended to read:

~~(a)~~ (b) Each menu food item containing pork or prepared in or seasoned with a pork derivative (including use of a shortening containing a pork product) shall be identified on the menu with a "P". Unless it can be determined with certainty that a food item does not contain pork or a pork derivative, that item shall be identified with an asterisk (*). A pork-free protein alternate shall be offered to those inmates who do not eat pork because of religious reasons.

Existing subsections 3051(b) and (c) are repealed.

~~(b) Two consecutive meals shall not be planned for the same day where the main protein dish contains or is seasoned with pork or pork derivative.~~

~~(c) A menu shall not include only one vegetable if pork or a pork derivative was used in the preparation of the dish. A pork free version of the vegetable shall be provided.~~

NOTE: Authority cited: Section 5058, Penal Code. Reference: Sections 2084 and 5054, Penal Code.

Section 3052 is amended to read:

3052. Health and Safety Standards.

(a) Standards for sanitation shall meet the requirements set forth in Health and Safety Code (H&SC) Sections ~~113975 27605, 27623, 28291, and 28295~~ through ~~114180 28296~~ (California Uniform Retail Food Facilities Law (CURFFL)).

(b) An inspection of the food service area of each institution/camp facility shall be conducted at least once a year by the Department Food Administrator, Central Office, and/or a Department of Health Services' Environmental Health Specialist.

(c) The institution head or their designee shall conduct sanitation inspections of the institution/camp facility kitchens at least once a month to ensure compliance with the standards set forth in this section.

(d) Cooks and culinary officers shall conduct daily sanitation inspections of all workers who handle food to ensure cleanliness, proper attire, and the absence of open sores or any condition that may contaminate food.

(e) No person shall be assigned to handle food until instructed on the standards for sanitation as set forth in ~~H&SC Sections 27605, 27623 and 28291~~ CURFFL, and on all requirements of this section.

(f) Food handlers shall keep their hands and fingernails clean, wear nets or caps entirely covering their hair, wear clean garments, and conform to and comply with ~~H&SC Sections 28291 and 28295~~ CURFFL. A hand washing requirement sign shall be posted in each restroom used by on-duty food service workers.

(g) No inmate shall be assigned to the food service area until medically cleared to handle food.

(h) An inmate food handler with any condition that may contaminate food shall be referred to the medical department for examination and shall not return to work in the food service area until medically cleared.

NOTE: Authority cited: Section 5058, Penal Code. Reference: Section 5054, Penal Code; and Sections ~~27605, 27623, 28291, 28295, and 28296~~ 113975 through 114180, Health and Safety Code.

Section 3053 is amended to read:

3053. ~~Special~~ Food for Religious Events.

Section 3053 initial sentence is renumbered to new subsection 3053(a) and is amended to read:

(a) ~~Authorized~~ Inmate religious groups may ~~shall not~~ be permitted ~~no~~ more than two events each year where ~~special~~ foods with religious significance are provided ~~to them~~ by the institution facility in place of the regularly planned meal. These event meals must be approved and sponsored by a Chaplain. For the purposes of this article, Chaplain means a local Institution Chaplain, or their designee representing the religious group.

Existing sentences of section 3053 are renumbered to new subsection 3053(b) and are amended to read:

(b) A Chaplain shall decide the two religious events when religious meals are provided. ~~The value of such meal for a religious event shall not exceed that of the meal replaced.~~ The religious group's request for special ceremonial foods shall be directed to the institution head, or designee by the Chaplain at least ~~four weeks~~ 30 days, but no more than 90 days before the event, and shall include the ~~proposed menu and number of persons to be served.~~ following:

- (1) Date and location of the event.
- (2) Proposed menu.
- (3) Number of inmates and/or guest to be served.
- (4) Specific ceremonial foods.

NOTE: Authority cited: Section 5058, Penal Code. Reference: Section 5054, Penal Code.

Title of section 3054 is amended to read:

3054. ~~Special Religious Dietary Needs~~ Diet Program.

Subsection 3054(a) is amended to read:

(a) Each institution ~~facility~~ shall make reasonable efforts, as required by law, to accommodate those inmates who have been ~~verified~~ determined, pursuant to CCR, Title 15, subsection 3054.3(b)(1), to require ~~special~~ a religious diets.

Existing subsection 3054(a)(1) is amended, renumbered, and relocated to new subsection 3054.3(a).

Existing subsection 3054(a)(1)(A) is amended, renumbered, and relocated to new subsection 3054.3(b)(1).

Existing subsection 3054(a)(1)(B) is amended, renumbered, and relocated to new subsection 3054.3(b)(6).

Existing subsection 3054(a)(2) is repealed:

~~(2) Any religious organization may contract with the Department to provide their inmate members with religious diets provided that such a contract shall not result in any additional costs to the Department.~~

Existing subsection 3054(b) is deleted:

~~(b) Inmates with special religious dietary needs may be transferred to another facility that is equipped to accommodate them.~~

New subsection 3054(b) is adopted to read:

(b) Each institution shall provide ongoing religious awareness training for custody and food service staff, and anyone involved in the Religious Diet Program.

Existing subsection 3054(c) is amended, renumbered and relocated to new section 3054.1.

New subsections 3054(c) through 3054(e)(2) are adopted to read:

(c) Religious meals shall not be restricted from inmates based on their classification or housing placement. Transferring inmates shall continue participating in their Religious Diet Program.

(d) Medical diets shall take precedence over religious diets.

(e) There shall be at least two distinct religious diet options:

- (1) Vegetarian.
- (2) Jewish kosher.

NOTE: Authority cited: ~~Stats. 1993, ch. 195, Sec 1; and~~ Section 5058, Penal Code. Reference: Sections 383b, 5009, and 5054, Penal Code.

New section 3054.1 is adopted to read:

3054.1. Religious Vegetarian Diet.

New section 3054.1 is relocated from subsection 3054(c), and is renumbered and amended to read:

(e) Religious vegetarian meals shall be available at all institutions. Inmates with determined special religious dietary needs and showing a CDCR Form 3030-B (09/05), Religious Diet Card, which is incorporated by reference, that prohibit them from consuming an item(s) from the daily scheduled meal may shall be accommodated by being provided with an approved vegetarian protein another alternative(s) item(s) from that same days' scheduled meal, that is consistent with their dietary need.

NOTE: Authority cited: Section 5058, Penal Code. Reference: Sections 383b, 5009, and 5054, Penal Code.

New section 3054.2 is adopted to read:

3054.2. Jewish Kosher Diet.

(a) Jewish kosher meals shall be available at designated institutions. Jewish inmates may participate in the program, as determined by a Jewish Chaplain.

(b) Jewish inmates with unmet kosher dietary needs may, when classification is appropriate, be considered for transfer to another institution that can provide the Jewish inmate with a kosher diet.

(c) Jewish inmates shall not give away, trade, or sell a sack meal. Doing so may result in a compliance violation of the Religious Diet Program Agreement.

(d) All institutions will adhere to standardized departmental Jewish kosher diet program menus and approved procedures for purchasing, preparing, and serving kosher meals.

(e) Observance of Passover constitutes a single religious event, requiring kosher for Passover foods to be provided during the eight days of observance.

(f) Each institution shall arrange for ongoing and appropriate training for all inmate workers, and custody and food service employees involved in the supervising, ordering, preparation, and serving of kosher meals.

(g) The Jewish kosher diet program shall be administered in accordance with the provisions of this Article. A Jewish Chaplain shall:

(1) Determine inmate entry into the Jewish kosher diet program, oversee the program, and determine Jewish inmate compliance violations.

(2) Review each institution's Jewish kosher diet program annually. Provide results of the review to the Correctional Food Manager (CFM).

NOTE: Authority cited: Section 5058, Penal Code. Reference: Sections 383b, 5009, and 5054, Penal Code.

New section 3054.3 is adopted to read:

3054.3. Participation in a Religious Diet Program.

New subsection 3054.3(a) is relocated from the initial sentence in existing subsection 3054(a)(1), and is renumbered and amended to read:

~~(4)(a)~~ Any inmate who claims to require a ~~special~~ religious diet shall be responsible for completing a CDCR Form 3030 (09/05), Religious Diet Request, which is incorporated by reference, and submitting it to the appropriate informing their facility's institution's Chaplain or religious representative of their faith. No more than 15 calendar days shall pass from the day the Chaplain receives the completed CDCR Form 3030, Religious Diet Request, which results in a determination of program eligibility, to the day an accepted inmate begins receiving the religious meals requested.

New subsection 3054.3(b) is relocated from the secondary sentence of existing subsection 3054(a)(1), and is renumbered and amended to read:

~~(4)(b)~~ The Chaplain ~~or religious representative~~ shall:

New subsection 3054.3(b)(1) is relocated from existing subsection 3054(a)(1)(A), and is renumbered and amended to read:

~~(A)(1) Verify~~ Interview the inmate to explain the two religious diet options (including what the meals consist of) and determine the inmate's ~~special religious dietary program eligibility needs by contacting the religious organization to which the inmate claims to be an observant member.~~

New subsections 3054.3(b)(2), (3), (4), and (5) are adopted to read:

(2) When religious diet program eligibility is determined, explain the department's Religious Diet Program Agreement.

(3) When applicable, have the inmate sign the CDCR Form 3030-A (09/05), Religious Diet Program Agreement, which is incorporated by reference, the CDCR Form 3030, Religious Diet Request, and the CDCR Form 3030-D (09/05), Religious Diet Program Cancellation Request, which is incorporated by reference. Document an inmate's refusal to sign any religious diet departmental forms.

(4) Complete and distribute the CDCR Form 3030, Religious Diet Request and/or the CDCR Form 3030-A, Religious Diet Program Agreement, within two working days.

(5) Notify the inmate of the decision in writing by copy of their CDCR Form 3030, Religious Diet Request.

New subsection 3054.3(b)(6) is relocated from existing subsection 3054(a)(1)(B), and is renumbered and amended to read:

~~(B)(6)~~ Enter pertinent information for each inmate approved to participate in a religious diet program onto a religious diet participant list within 24 hours of approval. Maintain, update the list every 30 days, and provide the ~~CFM Food Manager~~ with a copy of the list of those inmates who have been ~~verified~~ determined eligible to require special receive a religious diet,s and which diet they will receive what the special religious diets consist for those inmates.

New subsections 3054.3(b)(7), (8), (9), and (10) are adopted to read:

(7) Regularly monitor the religious diet lists with Food Service staff to ensure that all inmate religious diet program participants are served their religious dietary meals with minimal delay.

(8) Coordinate with the CFM to determine which dining area will provide the inmate his/her meals.

(9) Provide each approved inmate with a CDCR Form 3030-B, Religious Diet Card. Collect Religious Diet Cards that are no longer valid.

(10) Meet with inmates, giving them the opportunity to respond to allegation(s) of Religious Diet Program Agreement compliance violations, prior to making a determination of continuing eligibility.

NOTE: Authority cited: Section 5058, Penal Code. Reference: Sections 383b, 5009, and 5054, Penal Code.

New section 3054.4 is adopted to read:

3054.4. Monitoring for Religious Diet Program Inmate Compliance.

Any incident of an alleged inmate Religious Diet Program Agreement compliance violation shall be reported using CDC Form 128-B, General Chrono, citing CCR, Title 15, section 3054. All reports shall be sent to the appropriate Chaplain, who shall consult with the inmate, make the final determination of continuing eligibility, and complete a CDCR Form 3030-C (09/05), Religious Diet Program Agreement-Notice of Non-Compliance, which is incorporated by reference. A copy of the completed CDCR Form 3030-C shall be provided to the inmate.

NOTE: Authority cited: Section 5058, Penal Code. Reference: Sections 5009, and 5054, Penal Code.

New section 3054.5 is adopted to read:

3054.5. Meals Served to Non-Inmates.

The meal charge for state employees and persons other than official guests in state-operated dining rooms maintained and operated for inmates shall be \$.85 plus sales tax. The meal charge for institution-operated employee dining rooms shall be in accordance with this article.

NOTE: Authority cited: Section 5058, Penal Code. Reference: Section 5054, Penal Code.

New section 3054.6 is adopted to read:

3054.6. Reimbursement for State Purchased Food.

Outside guests attending inmate banquets, luncheons, or other special events where state-purchased food is provided shall be charged a minimum of \$.85 plus sales tax per meal, per guest. Funds collected in excess of \$.85 plus sales tax, for the event shall be accompanied by a statement, signed by a non-inmate representative of the group, which reads: "We donate the sum of \$ _____ to the Inmate Welfare Fund." If the cost of the meals exceeds the allowance of \$.85 per meal, an additional charge to the inmate group's trust account shall be made in accordance with this article.

NOTE: Authority cited: Section 5058, Penal Code. Reference: Section 5054, Penal Code.

Section 3055 is unchanged.

Section 3056 is unchanged.